

100303
161/9 U.S.P.T.O.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR § 1.53(b))

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)
2. Applicant claims small entity status.
See 37 CFR 1.27.
3. Specification [Total Pages 50]
(preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. Drawing(s) (35 U.S.C. 113) [Total Sheets 22]
5. Oath or Declaration [Total Pages]
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR §§ 1.63(d)(2) and 1.33(b).
6. Application Data Sheet. See 37 CFR 1.76.

(Capstone Ref. No. 0507)

| | |
|------------------------|------------------------------------|
| Attorney Docket No. | 2066.0010009 |
| First Inventor | Mark G. Gilbreth |
| Title | Power Controller System and Method |
| Express Mail Label No. | |

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

10/5/480
100303
2386

ADDRESS TO:

7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. paper
 - c. Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & document(s))
10. 37 CFR 3.73(b) Statement Power of Attorney (when there is an assignee)
11. English Translation Document (if applicable)
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment
14. Two Return Receipt Postcards (MPEP 503)
(Should be specifically itemized)
15. Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. Other: Authorization under 37 C.F.R. § 1.136(a)(3)
- Other: The name of the assignee is: Capstone Turbine Corporation

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-Part (CIP) of prior Application No:10/303,051, filed November 25, 2002; which was a Continuation-In-Part of prior Application No. 09/207,817, filed December 8, 1998; which was a non-provisional of provisional Application No. 60/080,457, Filed April 2, 1998

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label

Customer No. 26111



or Correspondence address below

(Insert Customer No. or Attach bar code label here)

| | | | |
|---------|---|----------|--|
| NAME | STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. | | |
| | Attorneys at Law | | |
| ADDRESS | | | |
| CITY | STATE | ZIP CODE | |
| COUNTRY | TELEPHONE | FAX | |

| | | | |
|-------------------|-------------------|-----------------------------------|---------|
| NAME (Print/Type) | Virgil L. Beaston | Registration No. (Attorney/Agent) | 47,415 |
| SIGNATURE | | Date | 10/3/03 |

Burden Hour Statement: this form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

#184644v1<SKGF_DC1>-2066.0010009 patent app transmittal.wpd

SKGF Rev 3/29/01 mac



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gilbreth *et al.*

Appl. No. *(to be assigned)*

Filed: October 3, 2003

For: **Power Controller System and
Method**

Confirmation No. *(to be assigned)*

Art Unit: *(to be assigned)*

Examiner: *(to be assigned)*

Atty. Docket: 2066.0010009

**Authorization To Treat A Reply As Incorporating An Extension Of
Time Under 37 C.F.R. § 1.136(a)(3)**

Commissioner for Patents
Washington, D.C. 20231

Sir:

The U.S. Patent and Trademark Office is hereby authorized to treat any concurrent or future reply that requires a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. The U.S. Patent and Trademark Office is hereby authorized to charge all required extension of time fees to our Deposit Account No. 19-0036, if such fees are not otherwise provided for in such reply.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Virgil L. Beaston
Attorney for Applicants
Registration No. 47,415

Date: 10/3/03

1100 New York Avenue, N.W., Suite 600
Washington, D.C. 20005-3934
(202) 371-2600



ATTORNEYS AT LAW

Robert Greene Sterne
Edward J. Kessler
Jorge A. Goldstein
David K.S. Cornwell
Robert W. Esmond
Tracy-Gene G. Durkin
Michele A. Cimbara
Michael B. Ray
Robert E. Sokohl
Eric K. Steffe
Michael Q. Lee
Steven R. Ludwig
John M. Covert
Linda E. Alcorn
Robert C. Millenig
Lawrence B. Bugalsky
Donald J. Featherstone
Michael V. Messinger

Judith U. Kim
Timothy J. Shea, Jr.
Patrick E. Garrett
Heidi L. Kraus
Edward W. Yee
Albert L. Ferro*
Donald R. Banowitz
Peter A. Jackman
Molly A. McCall
Teresa U. Medler
Jeffrey S. Weaver
Kendrick P. Patterson
Vincent L. Capuano
Eldon Ellison Floyd
Thomas C. Fiala
Brian J. Del Buono
Virgil Lee Beaston*
Kimberly N. Reddick

Theodore A. Wood
Elizabeth J. Haanes
Bruce E. Chalker
Joseph S. Ostroff
Frank R. Crottingham
Christine M. Uhlir
Rae Lynn Pengaman
Jane Shershenovich*
Lawrence J. Carroll*
George S. Bardmesser
Daniel A. Klein*
Rodney G. Maze
Jason D. Eisenberg
Michael D. Specht
Andrea J. Kamage
Tracy L. Muller*
Jon E. Wright*
LuAnne M. Yuricek*

John J. Figueroa
Ann E. Summerfield
Registered Patent Agents:
Karen R. Markowicz*
Nancy J. Leith
Helene C. Carlson
Gaby L. Longsworth
Matthew J. Dowd
Aaron L. Schwartz
Mary B. Tung
Katrina Y. Pei
Bryan L. Shelton
Robert A. Schwartzman
Timothy A. Doyle
Jennifer R. Mahalingappa
Teresa A. Colella

Jeffrey S. Lundgren
Victoria S. Rutherford
Eric D. Hayes
Of Counsel:
Kenneth C. Bass III
Evan R. Smith

*Admitted only in Maryland
*Admitted only in Virginia
•Practice Limited to
Federal Agencies

October 3, 2003

WRITER'S DIRECT NUMBER:
(202) 772-8771
INTERNET ADDRESS:
VBEASTON@SKGF.COM

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Mail Stop Patent Application

Re: U.S. Utility Patent Application
(Continuation of Appl. No. 10/303,051; Filed November 25, 2003)
Appl. No. *To Be Assigned*; Filed: *Herewith*
For: **Power Controller System and Method**
Inventors: Gilbreth *et al.*
Our Ref: 2066.0010009

Sir:

Transmitted herewith for appropriate action are the following documents:

1. PTO Utility Patent Application Transmittal (Form PTO/SB/05);
2. Authorization to Treat a Reply as Incorporating an Extension of Time Under 37 C.F.R. § 1.136(a)(3);
2. A continuation application for U.S. Utility Patent Application No. 10/303,051 entitled:

Power Controller System and Method

and naming as inventors:

Mark G. Gilbreth
Joel B. Wacknov
Simon R. Wall

The application consisting of:

Commissioner for Patents
October 3, 2003
Page 2

- a. An Application Data Sheet (37 C.F.R. § 1.76);
- b. A specification containing:
 - i. 48 pages of description prior to the claims;
 - ii. 1 page of claims (1 claim);
 - iii. a one page abstract;
- c. 22 sheets of drawings: (Figures 1A-1E and 2-20); and

4. Two (2) return postcards.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

This patent application is being submitted under 37 C.F.R. § 1.53(b) without Declaration and without filing fee.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Virgil L. Beaston
Attorney for Applicants
Registration No. 47,415

Enclosures

::ODMA\MHODMA\SKGF_DC1;184608;1
SKGF Rev. 2/15/02 dcw; 4/18/03 svb